UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,058	08/21/2003	J. Patrick Thompson	MSFT-1748/302722.01	1588

41505   7590   06/03/2009
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EXAMINER
PHAM, MICHAEL

ART UNIT	PAPER NUMBER
2167	

MAIL DATE	DELIVERY MODE
06/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	**Applicant(s)**
Interview Summary	10/647,058	THOMPSON ET AL.
	Examiner	**Art Unit**	
	MICHAEL PHAM	2167	

All participants (applicant, applicant's representative, PTO personnel):

(1) _MICHAEL PHAM_.   (3)_David Platz (reg. 60, 013)_.

(2) _Cam Y Truong_.   (4)_____.

   Date of Interview: _29 May 2009_.

   Type: a)☒ Telephonic   b)☐ Video Conference
           c)☐ Personal [copy given to: 1)☐ applicant   2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes   e)☒ No.
   If Yes, brief description: _____.

Claim(s) discussed: _Independent_.

Identification of prior art discussed: _Bristor_.

Agreement with respect to the claims f)☐ was reached.   g)☐ was not reached.   h)☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: _See Continuation Sheet_.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Cam Y Truong/	/M. P./
Primary Examiner, Art Unit 2169	Examiner, Art Unit 2167

<div align="center">**Summary of Record of Interview Requirements**</div>

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

<div align="center">**Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews**
Paragraph (b)</div>

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

<div align="center">**37 CFR §1.2 Business to be transacted in writing.**</div>
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

_____

   The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.
   It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

   Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

   The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

   The Form provides for recordation of the following information:
  – Application Number (Series Code and Serial Number)
  – Name of applicant
  – Name of examiner
  – Date of interview
  – Type of interview (telephonic, video-conference, or personal)
  – Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
  – An indication whether or not an exhibit was shown or a demonstration conducted
  – An identification of the specific prior art discussed
  – An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
  – The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

   It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.
   A complete and proper recordation of the substance of any interview should include at least the following applicable items:
  1) A brief description of the nature of any exhibit shown or any demonstration conducted,
  2) an identification of the claims discussed,
  3) an identification of the specific prior art discussed,
  4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
  5) a brief identification of the general thrust of the principal arguments presented to the examiner,
    (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
  6) a general indication of any other pertinent matters discussed, and
  7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.
   Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

<div align="center">**Examiner to Check for Accuracy**</div>

   If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant's representative described the invention as a database management program being within the kernal mode of the operating system. That the database management program is used for understanding data of the file for a search. Giving an example of a search for a picture of mom, the operating system would be able to search for all the pictures related to mom. With regards to the claim interpretation applicant's representative asserted that "instructions for an operating system, the operating system including instructions for a database management program" and "the instructions for the database management program integrated with instructions for a file system". Applicant's stated that the operating system including instructions for a database management program is specific, that the term "including" must be a part of the operating system. Stating that for example that Microsoft Word installed on Microsoft Operating system does not mean the operating system includes microsoft word. The examiner disagreed stating that if the Microsoft Operating system has microsoft word, then it is included, In other words, if it is installed on the operating system, it is thus included in the operating system. Regarding the second asserted limitation, "the instructions for the database management program integrated with instructions for a file system", applicant's representative asserted that the term integrated is not disclosed that it means to be incorporated under one system. The examiner stated that hat if the database management program has the instructions for a file system, then it is integrated; and therefore disagreed.

In regards to the claim limitations of the the independent claim, applicant's representative asserted that "instructions for an operating system, the operating system including instructions for a database management program" and "the instructions for the database management program integrated with instructions for a file system" were not disclosed or suggested by the cited references.

In regards to the assertions the examiner pointed out that the operating system was the disclosed unix system disclosed at col. 1 line 30. That the database management program was disclosed as the command prompt figure 1a-c. That the instructions for a file system as commands such as "ls mystuff". The examiner therefore disagreed that the limitations were not disclosed.

In regards to claim amendments no particular agreement was reached; however, the examiner advised applicant's representative to further amend "operating system" to be more descriptive as described by applciant's representative. Stating that the claim does not state that the database management program is installed on the kernal mode of the operating system as applicant's representative had described. The examiner further advised applicant to further amend what was meant by the "integrating" stating that even if applicant's representative stated that the database management program is integrated with instructions for a file system, the limitation is clearly met by figure 1b since the "ls mysuff" command is integrated as part of the command prompt.

In regards to the claim to be more clear, for independent claim,

"instructions for an operating system,"(col. 1 line 30, unix)
"the operating system including instructions for a database management program" [col. 1 line 30, unix. col. 7 line 51, classifying user data; col. 8 lines 1-8, window 102 also includes history buttons, each of which is a virtual button corresponding to a letter of the alphabet. For example, history buttons 108L and 108M correspond to the letters L and M, respectively. In accordance with the present invention an organization scheme which is symbolic and with which users are already familiar is used in a novel manner to categorize previously generated user data. Accordingly, operating system (col. 1 line 30, unix) including instructions for a database management program (Figure 1B element 102).]

", the instructions for the database management program integrated with instructions for a file system," [col. 8 lines 41-50, Fig. 1B, the only command which includes a component whose initial letter is L is the command ls mystuff.*. Accordingly the only item included in history menu 112L represents the command ls mystuff.*. To retrieve and re-enter the command ls mystuff.* the user selects the only item from history menu 112L as described more completely below. In response to the selection item by the user, the command Ls mystuff.* is retrieved from a history database, which is described in greater detail below and is processed as if the user had entered the command using conventional techniques. Accordingly the instructions for the database management program (fig. 1B, command prompt) integrated with instructions for the file system (ls mystuff.*).]

"the file system configured to store file data as filestreams" [figure 1, mystuff; mystuff.txt, mystuff.dat mystuff.c. Accordingly, the file system (mystuff e.g. file system containing files) configured to store file data as file streams (mystuff.txt, mystuff.dat, mystuff.c)] "and the database management program is configured to generate Items from the file data" [figure 1b elements 112L, Accordingly, the database management program (figure 1B, command prompt) is configured to generate Items (112L) from the file data (mystuff)]

"and expose the Items to a shell of the operating system," [figure 1B, Accordingly, expose (figure 1B) the Items (112 commands) to a shell of the operating system (col. 8 lines 41-50, processed as if user had entered the command)]
"the Items constituting discrete storable units of information;"[figure 1B element 112L]
"the instructions for the database management program further including instructions for generating a plurality of Item Folders that constitute an organizational structure for said Items"[figure 1B 108. Accordingly, the instructions for the database management program (figure 1B, command prompt, 102) further including instructions for generating a plurality of Item Folders (figure 1B element 108) that constitute an organizational structure for said Items (figure 1B element 108M)]

"and each Item Folder includes membership information identifying any relationships with Items;"[figure 1B element 108; col. 8 lines 4-8, in accordance with the present invention, an organization scheme which is symbolic and with which users are already familiar is used in a novel manner to categorize previously generated user data. Accordingly, each Item Folder (108) includes membership information (fig. 1B, M) identifying any relationships with Items (fig. 1B, 112)]

"the instructions for the database management program including instructions for generating a plurality of Categories that constitute an additional organizational structure for said Items," [abstract lines 3-8, regeneration in a history database in one of two or more categories associated with two or more respective component symbols of the user data. For example, in one embodiment, user data includes alphabetic symbols and a respective category is formed for each letter of the alphabet. Accordingly, the instructions for the database management program including instructions for generating a plurality of Categories (Categories) that constitute an additional organizational structure (respective category is formed for each letter of the alphabet) for said Items (user data/commands/112)]

"at least one of said Items belonging to at least one of the Categories," (figure 1B element 112L) "wherein each Item in a specific Category includes a common attribute that is described for that specific Category" (figure 1C elements 112MA-C, 108M]

Bristor does not explicitly disclose ", wherein the Item Folders are themselves Items" and "Categories are themselves Items".

On the other hand, Nelson discloses "wherein the Item Folders are themselves Items" (col. 3 lines 59-60, items can be for example folder or a document), and "Categories are themselves items" (col. 1 lines 38-42, each item may exist as the source and/or target.)

Bristor and Nelson are both within the same field of endeavor as applicant's invention, as they are both systems of organization. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Nelson's disclosure above to Bristor for the purpose of further categorizing and organizing items.

The asserted limitations of claim 1 and similarily independent claims 37 and 43 are therefore disclosed.

In summary, the examiner respectfully disagreed with the applicant's representative with regard to the asserted claim limitations not being taught. Indicated how the references above disclose the asserted limitations. While applicant's representative disagreed and recommended to appeal, the applicant's representative stated that he would discuss the examiner's suggestions on amending where the database management program is installed on the operating system as stated in the interview by applicant's representative was in the kernal mode of the operating system vs. the user mode; and further amending what is meant by the "integrating" step of the asserted limitation. No agreement was reached, the interview accordingly ended.

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